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Epistemic Success & Skeptical Norms in Argument

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Abstract: The Default Skeptical Stance (DSS) delineates dialectical partners behavior toward one another given the adversariality thesis. Phyllis Rooney holds that the DSS, as a bridge between the formal and pragmatic elements of adversariality, leads to epistemic dysfunction. This connection commits the Adversarialist to defending the DSS. My modest version of this defense will be to show that the dysfunction in Rooney's going case, the Penaluna – Leiter exchange, is *not* attributable to argument's skeptical norms.

Keywords: adversariality, argumentation, default skeptical stance, epistemic injustice

1. Introduction

The Default Skeptical Stance (DSS) in argument is a practical manifestation of philosophy's adversarial paradigm. In "The Social & Political Limitations of Philosophy" Phyllis Rooney argues that the DSS leads to epistemic dysfunction, and relatedly, hermeneutic injustice. To exemplify her thesis, she analyzes the Penaluna – Leiter case. In this essay, I begin a modest defense of the DSS, by noting that the going case to demonstrate that it leads to epistemic bads is not well-founded. I show this by rethinking Rooney's treatment of the Penaluna - Leiter (P – L) case. Like Rooney, I hold that epistemic dysfunction occurs in the P – L exchange, but, unlike her, I argue that the Default Skeptical Stance (DSS) is *not* its source.

2. The Adversariality Debate

The Adversariality Debate consists of two interconnected questions: Q1. Is argument intrinsically adversarial? Q2. And, what norms obtain regarding how arguments must be managed in light of the adversariality question? While two sides exist regarding the adversariality thesis, scholars on both share (i) a *formal* concern that argument is theorized correctly, whether that be as inherently adversarial or not, such that it produces the best epistemic results, and (ii) a *pragmatic* concern that all persons receive equal consideration in argumentation as a practice of knowledge production.

The divides in the contemporary debate descend from Trudy Govier's Model for Minimal Adversariality. Govier advocates the Adversarialist position, but presses the formal and pragmatic theses together, via her Model for Minimal Adversariality:

1. I hold that X.
2. I think that X is correct (Follows from (1))
3. I think that not-X is not correct (Follows from (2))
4. I think that those who hold not-X are wrong, or are making a mistake. (Follows from (3))
5. Should I need to argue for X, I will thereby be arguing against not – X. (?)
6. Those who hold not-X, are, with regard to the correctness of X and my argument for X, my opponents. (?) (p. 244).

“Because there is this conflict of belief”, she concludes, “this hypothetical person may be regarded as the opponent of the arguer. Thus it would appear, argument is at its very roots adversarial” (p. 243). The trouble is, as Non-Adversarialists commentators have pointed out, steps 1 -3 of Govier’s model reflect a formal concern, while steps 4 – 6 represent a pragmatic one. Non – adversarialists have held that this shows an error in reasoning for the adversariality thesis, and adversarialists hold that there are two distinct but convergent lines of thought.

The conflation of the two programs opens Govier’s model to critique. Phyllis Rooney, maintaining the Non-Adversarialist stance, critiques steps 4 – 6. The adversarial language therein, she argues, adds an “extra and unnecessary step” (2010, p. 221). Because a belief is wrong does not mean the person is wrong. The adversarial paradigm, she holds, simply misdescribes what actual happens in argument (2010, p. 222). Likewise, Catherine Hundleby critiques 1 – 3. While Govier’s model claims to deal with beliefs, the logical entailments she draws from them are proper of commitments. If we’re really talking about beliefs, Hundleby argues, they don’t work this way (2013, p. 252). Both Rooney and Hundleby hold, if argumentation is the means to knowledge, then arguers are not opponents, but ultimately dialectical partners joined in the shared epistemic pursuit.

In response to these Non-Adversarialist critiques, contemporary Adversarialists, such as Scott Aikin (2011; 2017) and John Casey (2019; 2020), motivate their stance via the formal concern. By carefully distinguishing the two threads, they hold that adversariality is a formal necessity, thus all pragmatic considerations, must be managed in light thereof. Without adversariality argument ceases to be *qua* argument. When we debate, insofar as we take up different sides of an issue, we present diametrically opposed reasons. Our reasons are minimally-dialectically opposed (Aikin 2011; 2017). While adversariality may produce negative practical effects, it is compulsory. Adversariality in argument can be weaponized, but constitutes a necessary risk. Rather than eliminate it, we must manage and mitigate its effects (Aikin, 2011). Likewise, Casey defends the belief – person connection via the doxastic involuntarism thesis. If argument deals in belief, because of doxastic involuntarism, adversariality is nonetheless fundamental to argumentation (2019, p. 161).

Because Adversarialists motivate their thesis via the formal concern, they must accept that negative practical consequences are often *not* prevented by the formal program. Their focus on the ideal components of argument comes at the detriment of attending to non-ideal instances. Non- Adversarialists center their argument on the adversarial disconnect between formal and pragmatic concerns. Rooney homes in on this weakness. She holds that the DSS, which functions as the bridge between the formal and pragmatic elements of adversariality in argument, leads to epistemic dysfunction related to Fricker’s hermeneutic injustice.

The DSS delineates how dialectical partners orient themselves to one another given the adversariality thesis. If argument is adversarial, then dialectical partners must be skeptically engaged with one another. Of the relationship between adversariality and the DSS, Catherine Hundleby writes:

“The Adversary Method evaluates an argument by subjecting it “to the strongest or most extreme position” (Moulton 1983, p. 153), in an attempt to get the best of both sides of a dispute. The Method considers two contrasting views beginning with what we may call an “oppositional” position, a contrary view on a particular topic and assumes the goal of defeating another’s view” (2010, p. 284).

Although, she does not name it as such, the behavior Hundleby describes is that of the DSS. The practical means by which the Adversary method function is the DSS. It is the on-the-ground manifestation of adversariality.

The DSS requires Arguer B adopt a critical stance toward A's argument, wherein B generates challenges and objections to A's stance. As Rooney writes, the DSS entails the following behaviors: "A's initial premises may be questioned, for instance, or B might claim that the premises in one of her subarguments do not provide sufficient warrant for the conclusion she draws from them, or B might provide a counterargument" (2012, p. 320). Given the adversarial paradigm, common practice is for Arguer A to present her best possible argument for stance A, then Arguer B is to do her best to critique stance A. It is then Arguer A's role to defend her thesis from B's attacks.

This connection commits the Adversarialist to the DSS, and so, to some kind of defense of it. My modest version of this defense will be to show that in Rooney's case against the DSS (and the adversarialist position by extension), the epistemic dysfunction in her prime example, the P – L case, is NOT attributable to argument's skeptical norms. Rather, a complete lack of critical engagement leads Leiter to ignore and effectively silence Penaluna.

3. Rooney's Analysis

Just as the concern regarding adversariality in philosophy is its paradigm status, the concern regarding the DSS is its default status. Rooney writes: "According to standard norms of philosophical adversarial argumentation B is *expected* to challenge and question any of A's claims that he finds less than plausible, thus placing the burden of proof on A" (2012, p. 325, emphasis my own). The Adversarial Paradigm *requires* arguers engage skeptically with one another's reasons. It is not merely an option to be critical, but a necessity.

The DSS ignores facts about arguers and their unequal standing. As the formal framework made manifest, it is unable to adjust to context. Note insofar as Rooney's critique stems from real-world concerns, her objection is in the form of non-ideal argumentative theory. According to Rooney, the DSS precipitates epistemic dysfunction, because of how it distributes the burden of proof (BoP) in cases where individuals of historically marginalized epistemic populations argue from experience-based claims. She writes: "...I want to draw attention to forms of adversarial argumentation in philosophy that can effectively silence or misrepresent the contributions of those who belong to minority or marginalized subgroups in the discipline, and especially when they seek to address concerns that are of special significance for their subgroup" (2012, p. 318). On her view, the level of skepticism directed at these individuals' arguments ought to be adjusted in relation to social identity. If we lack our interlocutors basic experience, and the building blocks of their argument come from experience, it will be nearly impossible for them - within the argumentative norms delineated by the DSS - to prove their point to us. In this case, the DSS does not prevent epistemic tyranny, but seems to suggest it, by re-enforcing the marginalization of epistemic minorities.

When the formal adversarial framework meets non-ideal conditions, the DSS does not allow arguers to adjust accordingly. The Non-Adversarialist concern, as expressed by Rooney, is that the DSS leads to unduly severe critique when Arguer A is of minority identity, particularly when she takes her own experience as a premise. Because the BoP returns to A, in such cases, she is left without further dialectical resource to counter B. She writes: "...epistemic injustice is likely to be exacerbated in skepticism – informed argumentative exchanges where minority

members, whose experiences and claims are likely to be given less credibility, are thereby assigned greater burdens of proof. Such exchanges may, therefore, undermine equity in what we might think of as the discursive space of philosophical argumentation” (2012, p. 319). Here Rooney reasons, when part of Arguer A’s argument is based on social experience as a minority identity, Arguer B is allowed, even required, by the DSS to question and resist Argument A. Without his shouldering the BoP too, it is impossible to bridge the gap of experience between different social identities. For B to be persuaded, he’d need to *do* something. Yet by the DSS, Rooney reasons, the burden of proof returns to A, leaving her with no further dialectical resource to persuade B.

To demonstrate how the DSS can lead to hermeneutic injustice, Rooney analyzes Brian Leiter’s blogpost in response to Regan Penaluna’s article “Wanted: Female Philosophers, in the Classroom and in the Canon”. Leiter is an American philosopher most known for his controversial ranking of graduate philosophy programs, and his equally controversial philosophy blog, *Leiter Reports*. He is notorious for supporting big-name analytic departments in the former, and for amplifying misogynistic and racist views in the latter. Rooney notes that in her article, Penaluna reports the small number of undergraduate female philosophers, and enumerates a series of plausible causal factors, including the lack of historical women thinkers in the canon, the misogyny of canonized philosophers, the particular regard philosophy holds for its canon, and as a result, the discipline’s resistance to feminist critique (2012, p. 326).

Of Leiter’s response to Penaluna’s article, Rooney explains –

“A few days after the publication of Penaluna’s article, Brian Leiter initiated a discussion of the article in his popular blog *Leiter Reports*. To his title question, “Why aren’t there more women in academic philosophy?”, Leiter responds, “Regan Penaluna offers the following explanation...”, and he then quotes two paragraphs from her article, one in which she remarks that the study of philosophy is typically the study of the texts of dead white men, and one in which she draws attention to the recurring sexist and misogynist comments by these same dead white men. Leiter then invites discussion: he says, “I wonder how plausible the reader finds this explanation?” with, it seems to me, the clear suggestion that he does not find it plausible” (2012, p. 327).

Leiter’s audience follows up with comments, including: “This is implausible”, “This is merely anecdotal” (2012, p. 327 - 329). The result is a complete dismissal of Penaluna’s argument. Leiter and his correspondents leave Penaluna with the duty to respond, but no dialectical resource to do so. While he and his male-colleagues lack Penaluna’s experience as a woman in philosophy, the DSS does not allow them to adjust the degree of skepticism in their response to her. They ought to be interested in listening to Penaluna’s argument, because she shares an experience new to them. Yet, the skeptical stance blocks the accessibility of *not only* this information, but this epistemological attitude. On Rooney’s view, if what A argues is far beyond the scope of Arguer B’s experience, the DSS does not provide B means to engage with A. Instead, it encourages B to dismiss A.

4. Strawmanning

While I agree with Rooney that Leiter’s response to Penaluna is a case of epistemic dysfunction, I argue that the site of that injustice is *not* the DSS. Instead, I hold that the problem is a critical

lack of properly instituting the DSS. *The DSS does not create the epistemic dysfunction, which characterizes and drives Leiter's behavior, and can, in fact, usefully capture its wrong.*

Rooney's concern is with the epistemic dysfunction, which follows from how the DSS distributes BoP, *but*, she clearly states that Leiter strawmans Penaluna (2012, p. 327). This dual-attribution of epistemic dysfunction is internally incoherent. The DSS, by definition, takes up with the best version of a given argument, such as to contest it most soundly. However, to strawman another's argument is to intentionally misinterpret it, in order to make it weaker. Thus, the two observations are at tension with one another.

A strawman is a dialectical move, in which Arguer B misrepresents Arguer A's argument, to Audience C. For the strawmans effectiveness, Audience C must be either i. ignorant to the material at hand, and thus easily convinced, or ii. already biased in the direction of B's views. This group is B's "preferred or ideal" audience. Leiter strawmans Penaluna insofar as he misinterprets her argument to his chosen, ideal audience. The majority of *Leiter Reports* readers, as his blogposts response indicates, unsurprisingly identify as "identity politics skeptics", and are predisposed to see Leiter as a default authority.

More specifically, Leiter weakmans Penaluna. To weakman an argument is to take up with one strand of proof or evidence in another's argument, and treat it as though it were the argument in its entirety. As Aikin and Casey write in "Straw Men, Iron Men, and Argumentative Virtue": "...the weak man consists in 1) selecting the weakest of an opponent's actual arguments, 2) actually defeating it, and 3) then drawing or implying deeper conclusion the argument or arguer in question" (p. 3). By refuting just one strand - typically, the weakest strand - of A's argument, B pretends to defeat A's entire argument. While Penaluna is clear there are multiple effecting factors, which work in tandem to discourage women from pursuing philosophy, Leiter lists only two, and neglects to mention the intimate effective connection Penaluna notes between them. By choosing just one strand of Penaluna's critique, specifically that which identifies the causal role of the canon in dissuading women from studying philosophy, and conflating that strand with her entire argument, her argument is easily defeated. As Rooney notes, many responses to Leiter's posting, included counterexamples of other canonized disciplines such as History and English - and historically male -dominated practices, such as law -, which while sharing this structural feature, have much more equitable demographics. While these are good counter-examples to the weakmanned version of Penaluna's argument, they fail to address the full scope of factors she actually considers.

Penaluna is left with no dialectical resource to respond to Leiter, *not* because of issues with the BoP, but because the weakman is designed to quell all response from her. The format of the Strawman is not to convince one's dialogical partner, nor even to engage with them, but to appeal against them to a sympathetic audience. It shuts down the very possibility of further proof from Arguer A. The third party's overwhelming dogmatic agreement with Arguer B silences A. She is not silenced by some added burden of proof from the DSS. In fact, she is not called upon *at all* to respond in this dialectical configuration. Although he appears to engage skeptically with Penaluna, Leiter challenges only a weak-manned version of her argument. In as much, he challenges her disingenuously. He does not challenge her in order to open up a space of reasons, and proper skeptical exchange between them, but, to roast her in front of an ignorant audience. Before the possibility of any skeptically configured exchange, Leiter turns away from the argument, and allows a mob to end the debate.

Ultimately, strawmanning is not an instance of the skeptical stance, but, an abuse of it. The epistemological dysfunction in the P -L case is *actually located in Leiter's refusal to*

critically engage with Penaluna. Insofar as he misrepresents Penaluna's case, he fails to critically engage with her. The proper skeptical method relies on taking up with the best version of an interlocutor's argument, such as to provide the best critique thereof, and thus have the greatest likelihood of moving toward truth or agreement. As a background condition, the skeptical stance requires deep critical engagement with one another's arguments. It asks dialectical partners to take up with the strongest version of one another's arguments, and thus requires arguers do their best to understand one another. For, the strongest skeptical pushback, will be in response to the best version of Arguer A's argument. The DSS requires dialectical partners to be critically engaged with one another's arguments. Thus, Leiter does not exercise the DSS, and Penaluna's mistreatment cannot be attributed to its distribution of the BoP.

In as much, Rooney's initial concern regarding the distribution of proof in non-ideal circumstances, which I articulate in Part II, is, in fact, consistent with the DSS and the adversarial structural view. What's at issue in argument are *reasons*. If there are reasons that require, because of the epistemic position of the arguers, that arguers do more work to understand each other, then that work is a necessary part of the adversarial method, too. The DSS prescribes this behavior. So, if as Rooney notes, Penaluna's social position will make particular pieces of evidence more accessibly salient (she'll see connections Leiter and his readers won't), then it's important for arguers to make those things explicit. Epistemological standpoints are relevant considerations and are ones consistent with the DSS and adversarial view.

5. Conclusion

Adversarialists are often critiqued for shaping real-world argumentative practices out of formal requirements. Non-Adversarialists, like Rooney, worry that starting with the ideal – theoretic framework necessarily leads to social epistemic harm. In “The Social & Political Limits of Philosophy”, Rooney argues that the DSS, as the primary practical manifestation of the Adversarial Paradigm, leads to bad epistemic results related to hermeneutic injustice. In this piece, I have attempted a modest defense of the DSS by arguing that in Rooney's example case, the DSS is *not* what leads to epistemic dysfunction.

Clearly, though, there is epistemic dysfunction in the Penaluna – Leiter case. I have argued that insofar as Leiter weakmans Penaluna's argument, his exchange with her obscures the breadth of her reasons. He does not respond to what she has actually argued, nor does he open up critical exchange between them. The dialectical argumentative arrangement formed by appealing to a third party, allows no space for her to challenge Leiter in return. As a parting thought, I suggest this case indicates the DSS, when properly deployed, might *actually* prevent this kind of silencing. Proper skeptical engagement requires Arguer B to actually hear and respond to A's argument. In effect, critical engagement is the background condition of the DSS. Thus, by the DSS, argumentative responses must engage with the reasons given for interlocutor's positions, and so, would prohibit the kind of silencing Penaluna experiences in the P – L case.

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